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Attorney for Defendant Richard Tom  
(Seeking Leave to Withdraw)

**UNITED STATES BANKRUPTCY COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

**MARK NG, LORAIN WONG**  
**AND KENDALL NG**, an individual;

Plaintiff

vs.

**RICHARD TOM**

Defendant

Case No. 19-31024 HLB

Chapter 7

**A.P. No. 19-03065 HLB**

**DECLARATION OF CONSEL IN  
IN SUPPORT OF MOTION FOR ORDER  
AUTHORIZING WITHDRAWAL OF  
COUNSEL**

**Date:** July 7, 2022

**Time:** 2:00 p.m.

**Place:** Telephonic/ Videoconference  
Courtroom 19  
450 Golden Gate Avenue, 16th I  
San Francisco, CA

**Judge:** Hon. Hannah L. Blumenstiel

I, Jeffrey B. Neustadt, declare as follows:

1. I am the sole owner of the Law Offices of Jeffrey B. Neustadt, and am counsel of record for Richard Tom, defendant in the above-captioned adversary proceeding. The matters stated below are made and based upon my personal knowledge, except for those matters stated upon information and belief, and as to those matters, I believe them to be true. If called as a witness, I

1 could and would testify to the matters as set forth below. I do hereby move for an order authorizing  
2 withdrawal of counsel, pursuant to 9013-1, 9013-2, 9013-3, and 9014-1 of the Bankruptcy Local  
3 Rules, as well as the Court's June 6, 2022, Order striking the substitution filed June 2, 2022.

4       2.       I began speaking with Mr. Tom about representing him in this case and the "related"  
5 case, *Schoenmann v. Tom et al.*, no. 21-03056 RLE, in mid-May 2022. To that end, I invested an  
6 enormous amount of time reviewing the file and identifying issues. On about May 20, 2022, we  
7 agreed on terms and later entered a written fee agreement. Formal substitution in both cases was  
8 signed and filed on May 24, 2022.

9  
10       3.       Because my CM/ECF account with this Court (but not other federal courts) was  
11 locked, I caused to be hand-filed the substitution forms after consulting with the ECF help desk.  
12 Later the week of May 24, 2022, my account was reconfigured and unlocked.

13       4.       Meet and confer letters regarding discovery issues were sent by me on May 25,  
14 2022, and May 30, 2022. The Client, Richard Tom, was copied on all pleadings, filings, and  
15 letters in real time. He was uncharacteristically silent as I attempted to schedule the deposition of  
16 Plaintiff Loraine Wong for June 9, 2022 (Plaintiffs' counsel has indicated in writing that Ms.  
17 Wong will not be produced for deposition).

18  
19       5.       Then, on about June 1, 2022, Richard Tom indicated he would not proceed as  
20 previously agreed *in this case only* and will not continue with me as his counsel *in this case only*.  
21 He ordered me to cease all work in this case, suddenly voicing strong opposition to the plan  
22 previously agreed upon. A substitution of attorneys was executed by Mr. Tom in two places, as  
23 client and as the litigant *pro se* (as his own attorney). That form was filed electronically on June  
24 2, 2022, and ordered stricken by the Court on June 6, 2022. This motion thus follows  
25 immediately.  
26  
27  
28

DECL. ISO MOTION FOR WITHDRAWAL AS COUNSEL

6. Time is critical as Mr. Tom has an opposition due to a summary adjudication motion on June 30, 2022. The client clearly does not want me to continue in this case for several reasons, none of which may be related publicly for fear of causing prejudice to the Client's case. I do represent Mr. Tom in the following two (2) matters:

a. Nondischargeability Adversary Case: Case No. 19-03065 HLB

b. Fraudulent Transfer Adversary Case: Case No. 21-03056 RLE.

7. It is only in this case, Adversary Case No. 19-03065 HLB from which, at the Client's request, with the Client's consent, and in view of a significant set of conflicts, I am seeking to withdraw at this time.

8. After May 30, 2022, I and the Client have been unable to work together in this case. I tried numerous times to establish and to rehabilitate the relationship so that I could carry out representation effectively in this case.

9. I conclude that further efforts will not change the status quo relationship such that I am no longer able to carry out representation effectively in this case. It is the Client who ultimately must make material decisions and Mr. Tom, the client, has terminated me and my firm as his attorney herein. He is in possession of his entire file. Withdrawal is necessary at the present time so that Mr. Tom can locate replacement counsel.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed June 7, 2022 at San Francisco, California.

Jeffrey B. Neustadt /s/  
Jeffrey B. Neustadt  
Counsel for Debtor and Defendant  
Richard Tom  
(Counsel Seeking to Withdraw)

DECL. ISO MOTION FOR WITHDRAWAL AS COUNSEL